

EXHIBIT 9

CRIMINAL-PROCEDURAL CODE

OF THE RUSSIAN FEDERATION

NO. 174-FZ OF DECEMBER 18, 2001

(with the Amendments and Additions of May 29, July 24, 25, October 31, 2002, June 30, July 4, 7, December 8, 2003, April 22, June 29, December 2, 28, 2004, June 1, 2005)

This Code comes into force as of July 1, 2002, with the exception of the provisions, for which other dates and procedure for putting into operation are established by Federal Law No. 177-FZ of December 18, 2001

Passed by the State Duma on November 22, 2001

Approved by the Federation Council on December 5, 2001

Article 5. Principal Concepts Used in this Code

Unless otherwise specified, the principal concepts, used in the present Code, shall have the following meaning:

- 1) alibi - the suspect's or the accused person's being in a different place at the moment when the crime is committed;
- 2) appeals instance - the court examining criminal cases on appeal upon complaints and presentations, filed against the sentences and rulings of the court which have not yet come into legal force;
- 3) close persons - other persons not including close relatives and relations maintaining a relationship with the victim or with the witness, as well as persons, whose life, health and welfare mean a lot to the victim or to the witness because of existing personal relations;
- 4) close relatives - husband, wife, parents, children, adopters, the adopted, blood brothers and sisters, grandfather, grandmother and grandchildren;
- 5) verdict - the decision as to whether the man on trial is guilty or not guilty, passed by a college of jurors;

6) public prosecutor - an official of the prosecutor's office acting for the prosecution in the name of the state in a court hearing of a criminal case, and on the prosecutor's instructions and in cases when the preliminary investigation has been completed in the form of an enquiry - also an enquirer or investigator;

7) enquirer - an official of the body of enquiry, possessing the legal right or authorized by the head of the body of enquiry to conduct the preliminary inquisition in the form of an inquest, and also the other powers specified in the present Code;

8) enquiry - the form of the preliminary inquisition, carried out by the enquirer (investigator) on a criminal case for which the conducting of the preliminary investigation is not obligatory;

9) pre-trial procedure - criminal court proceedings as from the moment of receiving a communication on the crime up until the prosecutor directing the criminal case to the court to be examined on the merits;

10) living quarters - an individual dwelling house with all the residential and non-residential premises included with it, living premises regardless of form of ownership, included in the housing fund and used for permanent or temporary residence, as well as some other building or structure, not included into the housing fund but used as a temporary residence;

11) detention of the suspect - the measure of the procedural coercion, applied by the body of inquiry, by the inquirer, the investigator or the prosecutor for a term of not over 48 hours as from the moment of the actual detention of the person on the suspicion of his having committed a crime;

11.1) a court's opinion - a conclusion on the presence or absence of components of a crime in actions of the person in respect of which special criminal proceedings are applicable;

12) legal representatives - the parents, adopters, guardians or trustees of a minor suspect, of the accused or of the victim and the representatives of the institutions or organizations into whose care the minor suspect, the accused or the victim is placed, agencies of custody and guardianship;

13) selection of a measure of restriction - the adoption by the inquirer, the investigator or the prosecutor, as well as by the court, of the decision on the measure of restriction with respect to the suspect or to the accused;

14) cassation instance - the court examining on appeal criminal cases upon the complaints and presentations against the sentences, rulings and resolutions of the first instance and of the appeals instance court, which have not yet entered into legal force;

14.1) control over telephone and other talks - tapping and recording conversations by using any communication means, examination of, and listening to, phonograms;

15) moment of the actual detention - the moment when the person, suspected of committing a crime, is actually deprived of the freedom of movement in conformity with the procedure, established by the present Code;

16) supervisory instance - the court, considering criminal cases by way of supervision upon the complaints and presentations against sentences, rulings and resolutions of the courts, which have entered into legal force;

17) head of a body of inquest - the official of a body of inquest, including deputy head of a body of inquest authorized to give orders to carry out an inquest and urgently investigative actions provided for by this Code;

18) head of the investigation department - the official, leading the corresponding investigation subdivision, as well as his deputy;

19) urgent investigative actions - the actions performed by the body of inquiry after the institution of a criminal case, for which a preliminary investigation is obligatory, in order to expose and fix the signs of the crime, as well as the proof requiring an immediate certification, seizure and study;

20) non-complicity - the unestablished complicity or the established non-complicity of the person in the perpetration of a crime;

21) night time - an interval of time from 22:00 to 6:00 local time;

22) charge - the statement about the perpetration by a definite person of an action, prohibited by criminal law, put forward in accordance with the procedure established by the present Code;

23) ruling - any kind of decision, with the exception of a sentence, collectively passed by the first instance court in conducting legal proceedings on a criminal case, as well as the decision passed by a higher placed court, with the exception of the court of appeals or of the supervisory instance, when the corresponding court decision is revised;

24) bodies of inquiry - state bodies and officials authorized in conformity with the present Code to carry out an inquest and to exercise other procedural powers;

25) resolution - any kind of decision, with the exception of the sentence, passed by a judge on his own; the decision, passed by the presidium of the court when the court decision, which has come into legal force, is revised; the decision of the prosecutor, investigator or inquirer, taken when carrying out a

preliminary investigation, with the exception of the conclusion of guilt or a bill of indictment;

26) president of the court - the judge who is leading a court session in the collegiate examination of a criminal case, as well as the judge, considering a criminal case on his own;

27) presentation - the act of the prosecutor's response to the court decision, made in accordance with the procedure established by the present Code;

28) sentence - the decision on whether the person on trial is or is not guilty, or on his relief from the punishment, passed by the court of the first or of the appeals instance;

29) application of a measure of restriction - the procedural actions, performed as from the moment of adopting the decision on selecting a measure of restriction and until it is cancelled or modified;

30) juror - the person, drawn into the participation in the court proceedings and into delivering a verdict in conformity with the procedure, established by the present Code;

31) prosecutor - the Prosecutor-General of the Russian Federation and the prosecutors in his/her subordination, as well as their deputies and other officials of a prosecutor's office participating in criminal court proceedings and vested with relevant powers by the federal law on the prosecutor's office;

32) procedural action - an investigatory, judicial or another action, stipulated by the present Code;

33) procedural decision - the decision adopted by the court, by the prosecutor, the investigator or the inquirer in accordance with the procedure, established by the present Code;

34) rehabilitation - the procedure for the reinstatement of the person, who has been unlawfully or groundlessly subjected to the criminal prosecution, in his rights and freedoms, and for the compensation of the harm done to him;

35) rehabilitated person - the person who possesses, in conformity with the present Code, the right to the recompense of the harm done to him in connection with an unlawful or a groundless criminal prosecution;

36) retort - an observation, made by the participant in the parties' presentations concerning the arguments voiced by the other participants;

36.1) results of operative search activities - data gained in compliance with the federal law on operative search activities, on the signs of a crime which is being prepared, committed or has been already committed, on persons who

are preparing, committing or have committed a crime and have hidden from bodies of inquiry and investigation or from judicial bodies;

37) relations - all the other persons, except for the close relatives, related in kinship;

38) investigative measures - the measures, taken on the inquirer's or the investigator's orders by the inquirer or the investigator, as well as by the body of inquiry, for the identification of the person, suspected of committing a crime;

39) sanction - the prosecutor's permission (consent) to carrying out by the inquirer or by the investigator the corresponding investigative and other procedural actions, and to their adopting procedural decisions;

40) witness's immunity - the right of the person not to give evidence against himself and against his close relatives and also in the other cases specified in the present Code;

41) investigator - the official, authorized to conduct the preliminary investigation on a criminal case and also the other powers specified in the present Code;

42) holding in custody - keeping the person detained on suspicion of committing a crime, or of the accused, towards whom is applied a measure of restriction in the form of being put under arrest, into an investigatory isolation ward or into some other place, defined by the federal law;

43) communication on a crime - the statement about a crime, the surrender or the report on the exposure of a crime;

44) specialized institution for the minors - the specialized state body providing for the reformation of minors, set up in conformity with federal law;

45) parties - the participants in criminal court proceedings discharging on the competitive principle the function of the accusation (of the criminal prosecution) or of the defence from the accusation;

46) party of the defence - the accused as well as his legal representative, the counsel for the defence, the civil defendant and his legal representative and representative;

47) party of the prosecution - the prosecutor, as well as the investigator, chief of investigation department, the inquirer, the private prosecutor, the victim, his legal representative and representative, the civil claimant and his representative;

48) court - any kind of the court of the general jurisdiction, examining a criminal case on the merits and passing decisions, stipulated by the present Code;

49) court examination - an expert examination, performed in accordance with the procedure, established by the present Code;

50) court session - the procedural form for administering justice in the course of the pre-trial and the court procedure on a criminal case;

51) judicial proceedings - a court session of the courts of the first, the second and the supervisory instances;

52) first instance court - the court, examining a criminal case on the merits and legally authorized to pass the sentence and to take decisions in the course of the pre-trial procedure on a criminal case;

53) second instance court - the courts of the appeals and of the cassation instances;

54) judge - the official authorized to administer justice;

55) criminal prosecution - procedural activity, performed by the party of the prosecution and aimed at the exposure of the suspect or the accused in committing the crime;

56) criminal court proceedings - the pre-trial and the court procedure on a criminal case;

57) criminal law - the Criminal Code of the Russian Federation;

58) participants in criminal court proceedings - the persons taking part in the criminal process;

59) private prosecutor - the victim or his legal representative and representative in the criminal cases of the private prosecution;

60) expert institution - the state forensic-medical expert examination or other institution, to which is entrusted the carrying out of the court examination in accordance with the procedure, laid down by the present Code.

Chapter 8. Other Participants in the Criminal Court Proceedings

Article 56. The Witness

1. Seen as a witness shall be the person who may be aware of certain circumstances of importance to the investigation and to the resolution of a criminal case, and who is summoned for giving evidence;
2. The summons and the interrogation of witnesses shall be performed in accordance with the procedure, laid down by Articles 187-191 of the present Code.
3. Not subject to an interrogation as witnesses shall be:
 - 1) a judge and the juror - about circumstances of the case, which have become known to them in connection with their participation in the procedure on the given criminal case;
 - 2) a lawyer, the counsel for the defence of the suspect and of the accused - about the circumstances, which have become known to him in connection with applying to him/her for legal aid or in connection with rendering it;
 - 3) a lawyer - about the circumstances, which have become known to him in connection with rendering legal advice;
 - 4) a priest - about the circumstances, which he has learned from the confession;
 - 5) a member of the Federation Council, a Deputy of the State Duma without their consent - about the circumstances, which have become known to them in connection with their discharge of their powers.
4. A witness shall have the right:
 - 1) to refuse to testify against himself, his (her) spouse and other close relatives, whose circle is delineated by Item 4 of Article 5 of the present Code. If the witness consents to furnish evidence, he shall be warned that his

testimony may be used as the proof in the criminal case, even if he subsequently renounces them;

2) to give evidence in his native tongue or in the language, of which he has a good command;

3) to make use of an interpreter's services free of charge;

4) to enter a recusation against the interpreter, taking part in his interrogation;

5) to enter petitions and file complaints against the actions (the lack of action) and decisions of the inquirer, the investigator and the prosecutor, or of the court;

6) to come to an interrogation with a lawyer, in conformity with the fifth part of Article 189 of the present Code;

7) to make a request for the application of the measures of security, stipulated by the third part of Article 11 of the present Code.

5. The witness cannot be forcibly subjected to the court examination or to a personal examination, with the exception of the cases, stipulated by the first part of Article 179 of the present Code.

6. The witness shall have no right:

1) to evade the attendance at the summons of the inquirer, the investigator or the prosecutor, or the appearance, upon summons, to the court;

2) to give deliberately false evidence or to refuse to give evidence;

3) to disclose the data of the preliminary investigation, which he has learned in connection with his participation in the proceedings on the criminal case, if he was warned to this effect in advance in accordance with the order, established by Article 161 of the present Code. the Criminal Code of the Russian Federation.

7. If he fails to appear upon summons without serious reasons, the witness may be brought along under coercion.

8. For giving a deliberately false evidence or for the refusal to give evidence, the witness shall be held responsible in accordance with 308 of the Criminal Code of the Russian Federation.

9. For the divulgence of the data of the preliminary investigation, the witness shall be held liable in conformity with Article 310 of the Criminal Code of the Russian Federation.

Chapter 34. Preliminary Hearing

Article 234. Procedure for Conducting a Preliminary Hearing

1. A preliminary hearing shall be conducted by the judge on his own in a closed session with the participation of the parties, while observing the demands of Chapters 33, 35 and 36 of the present Code with the exceptions, established by the present Chapter.
2. A notification on the summons of the parties to a court session shall be forwarded at least three days before the day of conducting the preliminary hearing.
3. Upon a petition from the accused, a preliminary hearing may be carried out in his absence.
4. The non-appearance of the other timely notified participants in the procedure on the criminal case shall not be seen as an obstacle to conducting a preliminary hearing.
5. If a party has lodged a petition for the exclusion of proof, the judge shall find out from another party whether it has objections against the given petition. If there are no objections, the judge shall satisfy the petition and shall pass a resolution on an appointment of a court session, unless there exist other grounds for conducting a preliminary hearing.

Resolution of the Constitutional Court of the Russian Federation No. 13-P of June 29, 2004 recognized the sixth part of Article 234 of the Code of Criminal Procedure of the Russian Federation as not corresponding to the Constitution of the Russian Federation, to its Articles 45 (Part 2), 46 (Part 1) and 49 (Part 2), in a measure, in which the norm, contained in it, precludes the possibility of the satisfaction by the court of a petition, filed by the party of defence for the summons of a witness for establishing the defendant's alibi, if such was not filed in the course of the preliminary investigation and was not rejected by the inquestor, the investigator or the public prosecutor 6. A petition from the party of the defence for the summons of a witness for establishing an alibi for the accused shall be satisfied only if it was entered in the course of the preliminary inquisition and was rejected by the inquirer, by the investigator or by the public prosecutor. The given petition may also be satisfied, if the existence of such witness became known after the preliminary inquisition was completed.

7. The petition of the party of the defence for demanding additional proof or objects shall be subject to satisfaction, if the given proof and objects are of importance to the criminal case.

Resolution of the Constitutional Court of the Russian Federation No. 13-P of June 29, 2004 recognized the eighth part of Article 234 of the Code of Criminal Procedure of the Russian Federation as not contradicting the Constitution of the Russian Federation, since in accordance with its legal constitutional meaning in interconnection with the other norms of the Code of Criminal Procedure of the Russian Federation, it does not preclude the possibility of an interrogation of the persons, endowed with the witness immunity, about the circumstances of conducting the investigative actions or about the withdrawal from and the enclosure to the criminal case of the documents, under the condition that they give the consent to this

8. At the parties' petition, interrogated as witnesses may be any persons who know something about the circumstances of the performance of the investigative actions or of the seizure and the enclosure to the criminal case materials of the documents, with the exception of the persons, enjoying the witness immunity.

9. In the course of the preliminary hearing, a protocol shall be kept.